

Notice of Allowability

Application No.

09/502,859

Applicant(s)

ISHIKAWA ET AL.

Examiner

Bernard E Souw

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment 18 August 2003.
2. ☒ The allowed claim(s) is/are 1-5,7-24,26,27,29-49,51-54 and 56-63.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☒ including changes required by the proposed drawing correction filed 01/14/2003 (paper#6), which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment has been given during a phone conversation on December 23, 2003, with Applicants' Attorney, Mr. John P. Wooldridge, Esq., Reg. No. 38,725.

In the claims:

- 1.1. Claim 1 (amended), line 9, after "*reservoir of an*", prior to "*printing mechanism*", delete [*inkjet-type*] and insert -- ***inkjet*** --.
- 1.2. Claim 45 (amended), line 9, after "*reservoir of an*", prior to "*printing mechanism*", delete [*inkjet-type*] and insert -- ***inkjet*** --.
- 1.3. Claim 56 (amended), line 1, in the wording "*The gamma watermark of Claim 55* 45, wherein ...", delete the numeric "55".

Amendment

2. The amendment filed on August 18, 2003 has been entered.

The specification has been amended.

Claims 6, 25, 50 and 55 have been cancelled.

Claim 28 having been previously cancelled, claims 1-5, 7-24, 26, 27, 29-49, 51-54 and 56-63 remain pending in this Office Action.

The present Office Action is made with all the amendments being fully considered.

Response to Applicant's Arguments

3. Applicant's arguments filed 8/18/2003 have been fully considered. The independent claims and the previously objected part of the specification having been amended according to the Examiner's suggestions, all Applicant's arguments are found persuasive.

§ 101 Rejection Withdrawn

4. Claims 6, 25 and 50 having been cancelled, the previous rejections under 35 USC § 101 are now withdrawn.

§ 112 Rejection Withdrawn

5. Claims 6 and 50 having been cancelled, the previous rejections under 35 USC § 112 are now withdrawn.

6. Claims 23, 24, 44 and 61 having been properly amended, the previous rejections under 35 USC § 112 are now withdrawn.

ALLOWANCE

7. Claims 1-5, 7-24, 26, 27, 29-49, 51-54 and 56-63 are allowed.

The claims are subsequently renumbered by the Examiner to claims 1-58.

Reasons for Allowance

8. The following is an examiner's statement of reasons for allowance:

A method for tagging an object with a radioactive tag comprising at least two radioisotopes, wherein the step of affixing the radioisotopes to the tagged object comprises metering the radioisotopes out from solution-containing reservoir(s) of an inkjet-type printing mechanism operating under algorithmic control to tag the object in real-time, as recited in claims 1, 13 and 45, is neither anticipated nor rendered obvious by any prior art.

Claim 22 is allowed for reciting a method for tagging an object with a radioactive tag comprising at least two radioisotopes deposited in a pattern that can be determined with an appropriate detector-and-collimator arrangement, wherein the relative quantities of the radionuclides encodes a numeric information of the tag, further comprising the steps of creating and identifying 3-dimensional logo patterns using the gamma-ray tomography.

Claim 23 is allowed for reciting a related method for identifying an object with a radioactive signature, wherein the depth-distribution of the radionuclide(s) within the object --implanted by means of an ion beam having a definite energy distribution-- forms a unique signature of within the object.

All the other claims are also allowed because of their dependencies, either directly or indirectly, upon the independent claims 1, 13, 22, 23 or 45.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Communications

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 703 305 0149. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

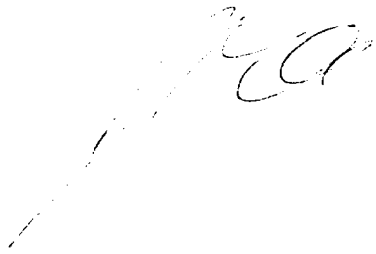
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 703 308 4116. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

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December 23, 2003

A handwritten signature in black ink, appearing to be "JCA", is located in the center of the page. The signature is written in a cursive, slanted style.